IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 22513 of 2004

Between:

Ch. Ramesh,

S/o. Krishna Rao,
O/o. Sri. Kaleswari Travels,

Beside Eenadu, M.G. Road,

Vijayawada.

..... PETITIONER

AND

The Secretary,

S.T.A., A.P., Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ order or direction particularly one in the nature of writ of Mandamus, directing the respondent herein to accept the valid records of a contract carriage vehicle within 2 months from today from the petitioner and issue Contract Carriage Permit on the Inter State Route Vijayawada to Bangalore as per orders of the State Transport Appellate Tribunal Hyderabad in A.P., No. 46 of 2004, dt. 20.5.2004 and to pass such other order or orders may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.B.SIVA RAMA KRISHNAIAH

Counsel for the Respondent: GP FOR TRANSPORT

The Court at the admission stage, made the following :

THE HON'BLE MR JUSTICE K.C.BHANU

WRIT PETITION NO: 22513 of 2004

ORDER:

By an order dated 20-05-2004, the State Transport Appellate Tribunal, Hyderabad in A.P.No.46 of 2004, allowed the appeal setting aside the order passed by the respondent and directed the respondent to issue Contract Carriage Permit to the petitioner within four months from the date of receipt of a coy of the order on production of valid records and documents as required under the Motor Vehicles Act and Rules made thereunder.

2. Now, the learned counsel for the petitioner contended that due to ill-health of the petitioner, he could not produce the records within four months and before expiry of the said period, he could not even make an application for extension of time for production of the records. It is further contended that this Court in similar circumstances, in W.P.No.23274 of 2002, dated 21-11-2002, granted six weeks time to the petitioner therein on the ground that no third party rights have accrued on production of the records. Therefore, the facts on hand are also similar to that of the writ petition disposed of by this Court.

3. Having regard to the facts and circumstances of the case, the writ petition is disposed of granting four weeks time to the petitioner from today to submit valid records to the respondent. On submission of the records, within the said time, the respondent shall take appropriate steps to issue Contract Carriage Permit. If the petitioner fails to submit the valid records and documents within the said period, he is not entitled for Contract Carriage Permit. No cots.

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December 7, 2004

Note:

Issue C.C. in two days.

B/o.

Kvr

TO

1 The Secretary,

S.T.A., A.P., Hyderabad.

2 Two C.Cs. to G.P. forTransport,

High Court Buildings,

High Court of A.P.,

Hyderabad, (OUT)

3 Two C.D. Copies.